REMARKS

Applicant has received the Office action dated February 2, 2007, in which the Examiner rejected the claims (1-19) under 35 U.S.C. § 102(b) as being allegedly anticipated by Weirauch et al. (U.S. Pat. No. 6,330,210, hereinafter "*Weirauch*"). Based on the amendments and arguments presented herein, Applicant respectfully requests reconsideration and allowance of the pending claims.

I.      CLAIMS AMENDMENTS

Claims 3, 5, 7 and 8 refer to "a data unit" and "a control block." These claims were amended to clarify that the data unit is separate from the control block. Claim 6 was amended to depend on claim 5 instead of claim 7.

II.     § 102 REJECTIONS

The Examiner rejected claims 1-19 as being anticipated by *Weirauch*. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631. "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236.

With respect to claim 1, *Weirauch* fails to teach "a data unit" and "a control field within the data unit." The Examiner argues *Weirauch* inherently teaches an optical disk with a data sector (see Office action, page 2). Even assuming, *arguendo*, that a data sector is inherent, *Weirauch* still fails to teach Applicant's claimed "control field within the data unit." Such a control field is not inherent.

Claim 1 further requires "a control block, separate from the data unit." Even assuming, *arguendo*, that *Weirauch* teaches "a control block having an identifier, a first control area for use if the identifier is recognized, and a second control area for use if the identifier is not recognized" as in claim 1, *Weirauch* still fails to teach a separate "control field within the data unit." The DCB content (308, 310, 312, etc.) cited by the Examiner is part of *Weirauch's* DCB 200 (or

300) and thus is not separate from a control block as is required in claim 1. For at least these reasons, claim 1 and its dependent claims are allowable over *Weirauch*.

With respect to claims 3, *Weirauch* fails to teach "a data unit, separate from the control block" and "at least one control bit in the data unit." *Weirauch* is directed to a control block and does not mention such a data unit. For at least this reason, claim 3 and its dependent claim are allowable over *Weirauch*.

With respect to claims 5, *Weirauch* fails to teach "a data unit, separate from the control block" and "a control field within the data unit." *Weirauch* is directed to a control block and does not mention such a data unit. For at least this reason, claim 5 and its dependent claim are allowable over *Weirauch*.

With respect to claims 7 and 8, *Weirauch* fails to teach "a data unit separate from the control block" and "at least one control bit in the data unit." *Weirauch* is directed to a control block and does not mention such a data unit. For at least this reason, claims 7 and 8 are allowable over *Weirauch*.

## III.    CONCLUSIONS

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are

hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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